testing said calling number identification data to specify a basis for entitlement

defining a limit on use, for restricting the extent of access to said system for a respective

one of said certain of said individual callers; and

performing a credit verification on each caller based on data received for callers.

REMARKS

In Response to the final Office Action dated October 31, 2001, Applicant submits a CPA

application entitled *Telephonic-Interface Statistical Analysis System*, with claims 29-42 that now

present a different scope for the Examiner's continued consideration. Applicant disagrees with

the Examiner's rejection based on obviousness, over a combination of at least two, if not three or

four references.

To that end, Applicant requests the Examiner to consider the following case law. It is

immaterial to the issue of obviousness that all of the elements were old in the art. Gillette Co. v.

S.C. Johnson & Son, Inc., 919 F.2d 720, 724, 16 USPQ2d 1923, 1927 (Fed. Cir. 1990).

Virtually all inventions are combinations of old elements. Environmental Designs v. Union Oil

Co. of Cal., 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed. Cir. 1983). Moreover, the new

combination need not provide unexpected results or synergism. American Hoist & Derrick Co.

v. Sowa & Sons, Inc., 725 F.2d 1350, 1360-61, 220 USPQ 763, 771 (Fed. Cir. 1984).

The question is not whether each element in a claimed invention is old and unpatentable,

but whether *"there is something in the prior art as a whole to suggest the desirability, and thus*

the obviousness of making the combination." Panduit Corp. v. Dennison Mfg. Co., 810 F.2d

1561, 1575, 1 USPQ2d 1593, 1602-03 (Fed. Cir. 1987). The claimed invention must be

considered as a whole. Gillette Co. v. S.C. Johnson & Son, Inc., 919 F.2d at 724, 16 USPQ2d at

1927. Applicant respectfully submits that the Office Action engages in impermissible hindsight reconstruction of the claimed invention, using Applicant's claims as a template and selecting elements from references to fill the gaps. E.g., In re Rouffet, 149 F.3d 1350, 1357-58, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998).

Nevertheless, Applicant has amended the claims indicated above to further clarify them. The recitation inserted that *"certain data comprises a precise number of digits that always total a particular numerical value"* is supported at page 13, lines 20-23 of the present application.

Favorable consideration and allowance of the claims in this application is respectfully requested.

Respectfully submitted,

Dated: April 30, 2002   By:_____
                                              Reena Kuyper
                                              Registration No. 33,830

9220 Sunset Blvd., Suite 315
Los Angeles, CA 90069
(310) 247-8191

MARKED-UP CLAIMS

29.   (Amended)   A process for controlling operations of an interface with a telephonic communication system including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including voice communication means and digital input means in the form of an array of alphabetic numeric buttons for providing data and wherein said telephonic communication system has a central capability to automatically provide call data signals indicative of called number identification data (DNIS), said process including the steps of:

receiving said call data signals indicative of called number identification data automatically provided by the communication system (DNIS) including a called number dialed by individual callers to select a specific operating format from a plurality of operating formats within said operations of the interface and identification signals relating to the callers;

selectively providing verbal prompts to callers in accordance with said specific operating format based on the identification signals;

receiving data entered by the callers from said remote terminals in response to said verbal prompts wherein at least certain of said data may also serve to identify the callers **and the certain data comprises a precise number of digits that always total a particular numerical value**;

providing a **[data base] database** computer to store received data for callers to update callers' files that maintain a historical record for each caller, the received data stored in a form having an identifiable relationship to each caller and for use in subsequent processing, the **[data base] database** computer including verification means for credit verification of said callers, in accordance with said specific operating format.

33.   (Amended)   A process for controlling operations of an interface with a telephonic communication system including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including voice communication means and digital input means in the form of an array of alphabetic numeric buttons for providing data and wherein said telephonic communication system has a central capability to

automatically provide call data signals indicative of called number identification data (DNIS), said process including the steps of:

receiving said call data signals indicative of called number identification data automatically provided by the telephonic communication system (DNIS) including a called number dialed by individual callers to select a specific operating format from a plurality of operating formats within said operations of the interface;

generating sequence data relating to transactions with at least certain callers and storing the sequence data;

providing verbal prompts to said callers in accordance with said specific operating format from a plurality of predetermined messages and for receiving data from said callers in response to verbal prompts **wherein at least certain of the data comprises a precise number of digits that always total a particular numerical value**; and

providing a [data base] **database** computer for storing said data for said callers received in accordance with said specific operating format in a form having an identifiable relationship to each caller, said data stored to update a file for each of said callers that maintains a historical record for each caller and is used for subsequent processing, said [data base] **database** computer further including a credit verification means, and wherein the [data base] **database** computer automatically accesses the credit verification means for credit verification of said callers based on said data received from said remote terminal apparatus.

36. (Amended) An analysis process for use with a communication facility including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including voice communication means and digital input means in the form of an array of alphabetic numeric buttons for providing data and wherein said communication facility has a capability to automatically provide calling number identification data for at least certain of said individual callers, said analysis control system comprising:

providing verbal prompts to callers;

receiving data for callers from said remote terminals in response to said verbal prompts **wherein at least certain of the data comprises a precise number of digits that always total a particular numerical value**;

providing a [data base] <u>database</u> computer to receive said data for callers and storing the same in a form having an identifiable relationship to each caller, the [data base] <u>database</u> computer maintaining a record with historical data on each of the callers including name and address data and the [data base] <u>database</u> computer including verification means for credit verification of said caller based on said data received for callers including credit card number and expiration date data; and

testing said calling number identification data to specify a basis for entitlement defining a limit on use, for restricting the extent of access to said system for a respective one of said certain of said individual callers.

40. (Amended) An analysis control process for use with a communication facility including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including voice communication means and digital input means in the form of an array of alphabetic numeric buttons for providing data and wherein said communication facility has a capability to automatically provide calling number identification data for at least certain of said individual callers, said analysis control system comprising:

providing verbal prompts to said callers from a plurality of predetermined messages and receiving data from said callers in response to verbal prompts <u>wherein at least certain of the data comprises a precise number of digits that always total a particular numerical value</u>;

providing a [data base] <u>database</u> computer for storing said data from said callers to update a historical record for each caller including name, address and prior transaction data relating to the caller in a form having an identifiable relationship to each caller, said [data base] <u>database</u> computer further including a credit verification means, and wherein the [data base] <u>database</u> computer automatically accesses the credit verification means for credit verification of said callers based on said data received from said remote terminal apparatus; and

testing said calling number identification data to specify a basis for entitlement defining a limit on use, for restricting the extent of access to said system for a respective one of said certain of said individual callers.

41. (Amended) A process for controlling operations of an interface with a telephonic communication system including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including voice communication means and digital input means in the form of an array of alphabetic numeric buttons for providing data and wherein said telephonic communication system has a central capability to automatically provide call data signals indicative of called number identification data (DNIS) and calling number identification data, said process including the steps of:

receiving said call data signals indicative of called number identification data automatically provided by the communication system (DNIS) including a called number dialed by individual callers to select a specific operating format from a plurality of operating formats within said operations of the interface;

providing verbal prompts to callers to said specific operating format;

receiving data for callers to said specific operating format from said remote terminals in response to said verbal prompts **wherein at least certain of the data comprises a precise number of digits that always total a particular numerical value**;

storing said data with an identifiable relation to each caller to update a historical record on each caller for subsequent processing;

testing said calling number identification data to specify a basis for entitlement defining a limit on use, for restricting the extent of access to said system for a respective one of said certain of said individual callers

performing a credit verification on each caller based on data received for callers.

42. (Amended) An analysis process for use with a communication facility including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including voice communication means and digital input means in the form of an array of alphabetic numeric buttons for providing data and wherein said communication facility has a capability to automatically provide calling number identification data for at least certain of said individual callers, said analysis control system comprising:

providing verbal prompts to callers;

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receiving data for callers from said remote terminals in response to said verbal prompts **wherein at least certain of the data comprises a precise number of digits that always total a particular numerical value**;

storing said data for callers with an identifiable relationship to each caller to update a historical record on each caller including name, address and prior transaction data relating to the caller;

testing said calling number identification data to specify a basis for entitlement defining a limit on use, for restricting the extent of access to said system for a respective one of said certain of said individual callers**; and**

performing a credit verification on each caller based on data received for callers.